

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

U.S. DISTRICT COURT  
PORTLAND, MAINE  
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2006 FEB 16 P 3:48

ARTHUR D'AMARIO, III

PETITIONER

v.

PATRICK G. LYNCH, ATTORNEY  
GENERAL FOR THE STATE OF RHODE  
ISLAND,

RESPONDENT

BY \_\_\_\_\_  
DEPUTY CLERK

CIVIL No. 05-236-S

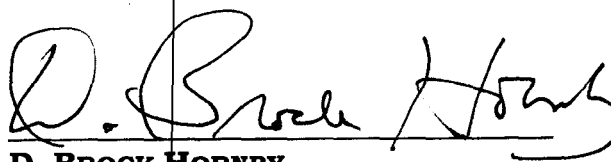
**ORDER AFFIRMING RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the court on December 29, 2005 (docketed January 9, 2006), with copies to the parties, her Recommended Decision on the petitioner's 18 U.S.C. § 2254 petition. The petitioner filed an objection to the Recommended Decision on January 4, 2006. I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The 18 U.S.C. § 2254 petition is **DISMISSED**.

**SO ORDERED.**

DATED THIS 16<sup>th</sup> DAY OF FEBRUARY, 2006

  
D. BROCK HORNBY  
UNITED STATES DISTRICT JUDGE

**U.S. DISTRICT COURT  
DISTRICT OF RHODE ISLAND  
CIVIL DOCKET FOR CASE #: 05cv236**

**ARTHUR D'AMARIO, III**

**Petitioner**

represented by **ARTHUR D'AMARIO, III**  
02989-070  
U.S. MEDICAL CENTER  
PO Box 4000  
SPRINGFIELD, MO 65801-4000  
*Pro Se*

**v.**

**PATRICK C. LYNCH, Attorney  
General for the State of Rhode  
Island,**

**Respondent**

represented by **GERALD J. COYNE**  
DEPUTY ATTORNEY GENERAL  
150 SOUTH MAIN STREET  
PROVIDENCE, RI 02903  
(401) 274-4400